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## Intel Legal Team

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Date: 8-Sep-04

**To:** Jack Chen **Fax:** 703-872-9306 **Phone:** 571-272-1689  
**United States Patent and Trademark Office**

**From:** Mark V. Seeley **Fax:** 408-765-7723 **Phone:** 408-765-7382

**Subject:** Amendment in Application Serial No. 10/618,226

A CONFIRMATION COPY OF THIS DOCUMENT:

WILL NOT BE SENT

Application No.: 10/618,226  
Filing Date: July 11, 2003  
First Named Inventor: Robert Chau et al.  
Group Art Unite: 2813  
Examiner Name: J. Chen  
Attorney Docket No.: 42390.P12759

**Enclosures:**

1. Transmittal Form (1 page).
  2. Fee Transmittal for FY 2004 (1 page in duplicate).
  3. Response (4 pages).

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PTO/SB/21 (02-04)

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TRANSMITTAL  
FORM

(to be used for all correspondence after initial filing)

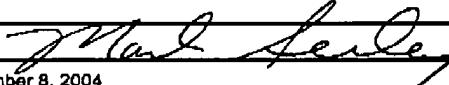
Total Number of Pages in This Submission

Application Number	10/818,228
Filing Date	July 11, 2003
First Named Inventor	Robert Chau et al.
Art Unit	2813
Examiner Name	J. chen
Total Number of Pages in This Submission	7
Attorney Docket Number	042380.P12756C

## ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavit/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Remarks	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
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## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Mark V. Seeley
Signature	
Date	September 8, 2004

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Mark V. Seeley
Signature	
Date	September 8, 2004

This collection of information is required by 37 CFR 1.6. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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# FEE TRANSMITTAL

## for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$0.00)

## Complete If Known

Application Number	10/618,226
Filing Date	July 11, 2003
First Named Inventor	Robert Chau et al.
Examiner Name	J. Chan
Art Unit	2813
Attorney Docket No.	042390.P12769C

## METHOD OF PAYMENT (check all that apply)

 Check  Credit card  Money Order  Other  None
 Deposit Account:

Deposit Account Number

50-0221

Deposit Account Name

Intel Corporation

The Director is authorized to: (check all that apply)

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- Credit any overpayments
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- Charge any additional fee(s) or any underpayment of fee(s)
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- Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION (continued)

## 1. BASIC FILING FEE

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee			
1002 340	2002 170	Design filing fee			
1003 530	2003 265	Plant filing fee			
1004 770	2004 385	Reissue filing fee			
1005 160	2005 80	Provisional filing fee			
<b>SUBTOTAL (1)</b>		<b>(\$0.00)</b>			

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	Extra Claims below	Fee Paid
Total Claims	2 -20** = 0	X 18 = 0
Independent Claims	1 - 3** = 0	X 86 = 0
Multiple Dependent		280 = 0

Large Entity	Small Entity	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 66	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent
<b>SUBTOTAL (2)</b>		<b>(\$0.00)</b>

\*\*or number previously paid, if greater; For Reissues, see above

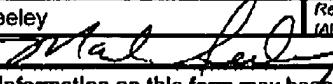
## 3. ADDITIONAL FEES

Large Entity

Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or mail	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2262 210	Extension for reply within second month	
1253 950	2263 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1462 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1480 130	1480 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.120(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.128(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	
Other fee (specify)			
*Reduced by Basic Filing Fee Paid			
<b>SUBTOTAL (3)</b>		<b>(\$0.00)</b>	

(Complete if applicable)

Name (Print/Type)	Mark V. Seeley	Registration No. (Attorney/Agent)	32,299	Telephone	408-765-7382
Signature				Date	September 8, 2004

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**CERTIFICATE OF TRANSMISSION**

(37 C.F.R. § 1.8(a))

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Mark Seeley  
Name of Person Sending Facsimile  
Mark Seeley  
Signature

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Robert Chau et al.

Serial No.: 10/618,226

Filed: July 11, 2003

For: A METHOD FOR MAKING  
A SEMICONDUCTOR  
DEVICE HAVING A  
HIGH-K GATE DIELECTRIC

Which is a Continuation of Application:

Serial No.: 10/082,530

Filed: February 22, 2002

Commissioner for Patents  
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Alexandria, VA 22313-1450RECEIVED  
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SEP 08 2004

Examiner: J. Chen

Art Unit: 2813

Attorney Docket No: P12759C

Examiner: C. Lee

Art Unit: 2825

Sir:

RESPONSE

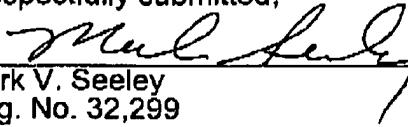
In the office action mailed August 24, 2004, the examiner concluded that applicants must elect a single disclosed species from the 13 listed in claim 21 (i.e., hafnium oxide, lanthanum oxide, zirconium oxide, zirconium silicon oxide, titanium oxide, tantalum oxide, barium strontium titanium oxide, barium titanium oxide, strontium titanium oxide, yttrium oxide, aluminum oxide, lead scandium tantalum oxide, and lead zinc niobate). Applicants admit that these 13 disclosed species are not patentably distinct. Given that admission, applicants respectfully request the examiner to withdraw the restriction requirement.

If, despite this admission, the examiner continues to maintain the restriction requirement, applicants elect hafnium oxide as the single disclosed

species to be examined along with the invention of claim 21. This election is accompanied by a complete listing of all claims in the application.

Respectfully submitted,

Dated: September 8, 2004

  
\_\_\_\_\_  
Mark V. Seeley  
Reg. No. 32,299

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